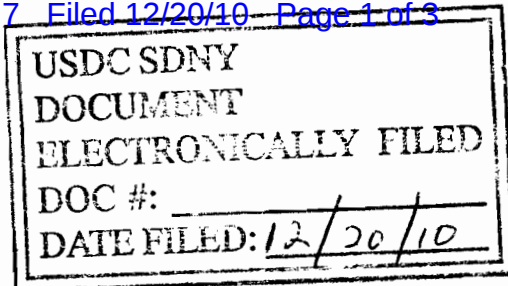


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



BRANDON K. GRANT,  
a/k/a Brawdow Grant,

Plaintiff,

-v.-

MR. QUINONES, Warden of Otis Bantum  
Correctional Center, et al.,

Defendants.

**REPORT AND  
RECOMMENDATION  
TO THE HONORABLE  
PAUL A. CROTTY**

09 Civ. 10324 (PAC)(FM)

**FRANK MAAS**, United States Magistrate Judge.

In this action, the pro se plaintiff complains that he was strip searched unlawfully at Rikers Island. The complaint was filed on December 21, 2009. Thereafter, on March 23, 2010, the Pro Se Office docketed a memorandum stating that the summons mailing package was returned as undeliverable. (Docket No. 4).

In an effort to locate the plaintiff, my Chambers consulted the New York City Department of Correction online prisoner locator, (<http://a072-web.nyc.gov/inmatelookup/inmateLookup.do>), which indicated that the plaintiff had been relocated to a different Rikers facility. I therefore issued an order on August 25, 2010, which directed the Pro Se Office to issue a supplemental summons to be mailed to the plaintiff's new address. The order further required the plaintiff to have service effected by October 27, 2010. After my Chambers sent a copy of the order to the plaintiff at his new facility, we received a return receipt on August 31, 2010, indicating that it had been successfully delivered.

On September 7, 2010, the Pro Se office made an entry on the docket noting a change of address filed by the plaintiff. The plaintiff's new address was a private residence in Brooklyn. (ECF No. 6) Apparently as a precaution, a second Rule 4 service package was sent to

the plaintiff at that address by Federal Express on September 22, 2010. That package, however, was returned as undeliverable.

In sum, the plaintiff has not had any contact with the Court since early September, 2010. He also has failed to effect timely service through the Marshals Service despite clear instructions to do so. For these reasons, I respectfully recommend that this case be dismissed without prejudice. I note, in that regard, that the issuance of this Report and Recommendation will afford the plaintiff one last opportunity to contact the Court.

Notice of Procedure for Filing of Objections to this Report and Recommendation

The plaintiff shall have fourteen days from the service of this Report and Recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. See also Fed. R. Civ. P. 6(a) and (e). Any such objections shall be filed with the Clerk of the Court, with extra copies delivered to the chambers of the Honorable Paul A. Crotty, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, and to the chambers of the undersigned, at the United States Courthouse, 500 Pearl Street, New York, New York 10007. Any requests for an extension of time for filing objections must be directed to Judge Crotty. The failure to file timely objections will result in a waiver of those objections for purposes of appeal. See Thomas v. Arn, 474 U.S. 140 (1985); Fed. R. Civ. P. 6(a), 6(e), 72(b).

DATED: December 17, 2010  
New York, New York

  
FRANK MAAS  
United States Magistrate Judge

Copy to:

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Brooklyn, New York 11216